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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

GARY PIERCE - Chairman
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BRENDA BURNS

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JUN 14 2011

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AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

IN THE MATTER OF THE APPLICATION
OF CREXENDO BUSINESS SOLUTIONS,
INC FOR APPROVAL OF A CERTIFICATE
OF CONVENIENCE AND NECESSITY TO
PROVIDE RESOLD LONG DISTANCE,
RESOLD LOCAL EXCHANGE AND
FACILITIES-BASED LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES IN
ARIZONA.

DOCKET NO. T-20737A-10-0144

PROCEDURAL ORDER
SETTING HEARING DATE

BY THE COMMISSION:

On April 13, 2010, Crexendo Business Solutions, Inc. ("Crexendo" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of a Certificate of Convenience and Necessity ("CC&N") to provide resold long distance and resold local exchange telecommunication services in Arizona. Crexendo's application also requested a determination that its proposed services are competitive within the State of Arizona.

On July 26, 2010, Staff issued its First Set of Data Requests to the Company.

On August 16, 2010, Staff granted Crexendo a 45-day extension of time to file responses to the Data Request.

On October 12, 2010, Crexendo filed an amended application requesting authority to also provide facilities-based local exchange telecommunications services within the State of Arizona.

On November 10, 2010, Crexendo filed responses to Staff's First Set of Data Requests.

On March 24, 2011, Staff issued its Second Set of Data Requests to Crexendo.

On March 29, 2011, the Company filed Responses to Staff's Second Set of Data Requests.

On May 3, 2011, Staff filed a Staff Report recommending denial of Crexendo's application.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

1 IT IS THEREFORE ORDERED that the **hearing** on the above-captioned application shall
 2 commence on **August 25, 2011, at 10:00 a.m.**, or as soon thereafter as is practical, at the
 3 Commission's offices, 1200 West Washington Street, **Room 100**, Phoenix, Arizona 85007.

4 IT IS FURTHER ORDERED that **Crexendo shall publish public notice, by July 5, 2011, of**
 5 the application and the hearing date, as stated below, **with a heading in no less than 12-point bold**
 6 **type and the body in no less than 10-point regular type, in a newspaper of general circulation in**
 7 **every county in Arizona** in which Crexendo desires to provide service.

8 **IN THE MATTER OF THE APPLICATION OF CREXENDO BUSINESS**
 9 **SOLUTIONS, INC. FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE**
 10 **AND NECESSITY TO PROVIDE RESOLD LONG DISTANCE, RESOLD**
 11 **LOCAL EXCHANGE AND FACILITIES-BASED LOCAL EXCHANGE**
 12 **TELECOMMUNICATIONS SERVICES IN ARIZONA.**
 13 **(DOCKET NO. T-20737A-10-0144)**

14 On April 13, 2010, Crexendo, LLC ("Crexendo" or "Company") filed with the
 15 Arizona Corporation Commission ("Commission") an application for approval of a
 16 Certificate of Convenience and Necessity ("CC&N") to provide resold long distance,
 17 resold local exchange, and facilities-based local exchange telecommunication services
 18 in Arizona. Crexendo's application also requests a determination that its proposed
 19 services are competitive within the State of Arizona. The Commission's Utilities
 20 Division ("Staff") has recommended that the Commission deny Crexendo's
 21 application. The Commission will issue a Decision following consideration of
 22 testimony and evidence presented at an evidentiary hearing. The Commission is not
 23 bound by the proposals made by Crexendo, Staff, or any intervenors. If the application
 24 is granted, Crexendo will be required to provide service under the rates, charges,
 25 terms, and conditions established by the Commission. Copies of the application, the
 26 Staff Report, and any written objections to the Staff Report filed by Crexendo or
 27 intervenor(s) will be available at Crexendo's offices [**Insert Company Address**]; at
 28 the Commission's Docket Control Center at 1200 West Washington, Phoenix,
 Arizona; and on the internet via the Commission website (www.azcc.gov) using the e-
 Docket function.

21 The Commission will hold a hearing on Crexendo's application on **August 25,**
 22 **2011, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street,
 23 Room 100, Phoenix, Arizona. Public comments will be taken on the first day of the
 24 hearing. Written public comments may be submitted via email (for instructions go to
 25 <http://www.azcc.gov/Divisions/Utilities/consumerservices.asp>) or by mailing a
 26 letter referencing Docket No. T-20737A-10-0144 to: Arizona Corporation
 27 Commission, Consumer Services Section, 1200 West Washington Street, Phoenix,
 28 AZ 85007. If you require assistance, you may contact the Consumer Services Section
 at 1-800-222-7000 or 602-542-4251.

26 The law provides for an open public hearing at which, under appropriate
 27 circumstances, interested parties may intervene. Any person or entity entitled by law
 28 to intervene and having a direct and substantial interest in the matter will be permitted
 to intervene. If you would like to intervene, you must file a written motion to
 intervene with the Commission, and you must send copies of the motion to Crexendo

1 or its counsel and to all parties of record in the case. Your motion to intervene must
2 contain the following:

- 3 1. The name, address and telephone number of the proposed intervenor and of
4 any person upon whom service of documents is to be made if different from
5 the intervenor;
- 6 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
7 a customer of the Company, a shareholder of the Company, etc.); and
- 8 3. A statement certifying that a copy of the motion to intervene has been mailed
9 to the Company or its counsel and to all parties of record in the case.

10 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
11 that all motions to intervene must be filed on or before July 22, 2011. The granting
12 of intervention, among other things, entitles a party to present sworn evidence at the
13 hearing and to cross examine other witnesses. However, failure to intervene will not
14 preclude any interested person or entity from appearing at the hearing and making a
15 statement on their own behalf. If representation by counsel is required by Arizona
16 Supreme Court Rule 31, intervention will be conditioned upon the intervenor
17 obtaining counsel to represent the intervenor.

18 The Commission does not discriminate on the basis of disability in admission to its
19 public meetings. Persons with a disability may request a reasonable accommodation
20 such as a sign language interpreter, as well as request this document in an alternative
21 format, by contacting the ADA Coordinator, Shaylin Bernal, at SABernal@azcc.gov,
22 voice phone number 602-542-3931. Requests should be made as early as possible to
23 allow time to arrange the accommodation.

24 IT IS FURTHER ORDERED that **Crexendo shall file with the Commission, by July 22,**
25 **2011, an Affidavit of Publication.**

26 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
27 105, except that all motions to intervene shall be filed by **July 22, 2011**.

28 IT IS FURTHER ORDERED that any **objections to intervention(s)** shall be filed by
29 **August 5, 2011**.

30 IT IS FURTHER ORDERED that **Crexendo or any intervenor** shall file specific
31 disagreements/comments, if any, regarding the Staff Report or application by **August 5, 2011**.

32 IT IS FURTHER ORDERED that **all parties must comply with Arizona Supreme Court**
33 **Rules 31 and 38 and A.R.S. § 40-243 with respect to practice of law in Arizona and before the**
34 **Commission and admission pro hac vice.**

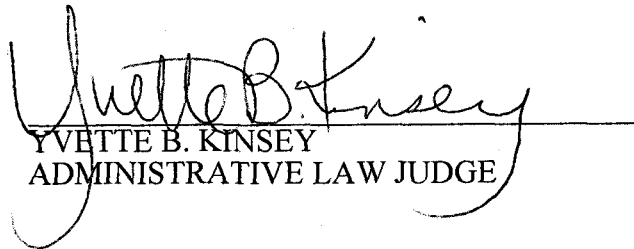
35 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance

1 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
2 Supreme Court Rule 42). Representation before the Commission includes appearance at all hearings
3 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
4 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
5 Law Judge or the Commission.

6 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
7 Communications) applies to this proceeding and shall remain in effect until the Commission's
8 Decision in this matter is final and non-appealable.

9 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
10 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

11 Dated this 14th day of June, 2011.

12
13
14 
15 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

16 Copies of the foregoing mailed/delivered
17 this 14th day of June, 2011 to:

18 Lance J.M. Steinhart, Esq.
19 LANCE J.M. STEINHART, P.C.
1720 Woodward Concourse, Suite 115
Alpharetta, GA 36005
Attorney for Crexendo Business Solutions, Inc.

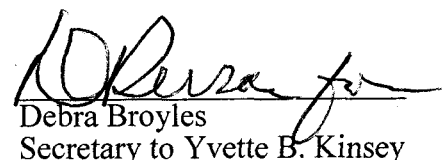
ARIZONA REPORTING SERVICE, INC.
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20 Jeff Korn, Chief Legal Officer
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23 Janice Alward, Chief Counsel
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26 Steven M. Olea, Director
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By:


Debra Broyles
Secretary to Yvette B. Kinsey